

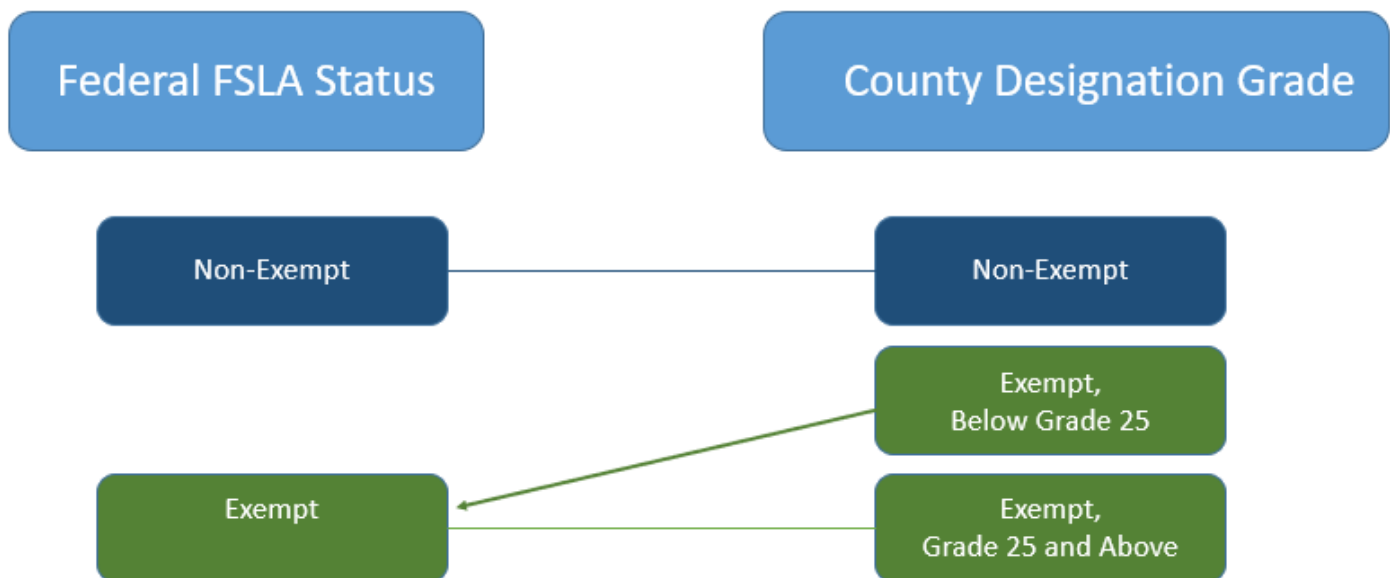


Use of *Flex Hours Worked*

Department of Labor's **Fair Labor Standards Act (FLSA)** is the Federal law that addresses how an employer must compensate employees for excess hours worked based on job classifications of either: Non-Exempt or Exempt.

OHR's Classification Team designates each County position according to job tasks as exempt or not exempt and assigns a classification grade. Oracle data (FLSA Status and Grade) passed to Mctime nightly. Mctime pay rules are configured and assigned based on this information.

Mctime Pay Rules are configured to calculate excess hours based on: the schedule, employee's FLSA status and Grade, excess pay thresholds (overtime), and other factors.





Use of *Flex Hours Worked*

Because the Montgomery County Personnel Regulations (MCPR) and Collectively Bargained Agreements (CBAs) sometimes permit an employee to alter workdays or work weeks, not all items are configurable in MCtime.

The pay code: **Flex Hours Worked**, allow EMPLOYEES (with manager's approval) flexibility to adjust their schedule, which might otherwise be subject to excess (overtime) thresholds. The pay code: **Flex Hours Worked** will suppress the calculation of excess hours in a timecard.

When: Employee directed (not management) schedule change. MANAGEMENT directed changes may require excess (overtime) compensation.

To: Use suppresses the calculation of excess hours (overtime pay or compensatory leave)

How: Use pay code: **Hours Worked** first. To test if **Hours Worked** generates excess hours, a manager can populate the timecard and use the **Calculate Totals** tool (found under **Actions** in the MCtime application). Use pay code: **Flex Hours Worked** only when necessary to suppress OT

Note: Review any impact to differentials
Flex Hours Worked = Regular Hours
Special Multilingual Differential pay codes -
Flex Hours with ML1 or ML2





Understanding Thresholds

Thresholds are relevant to understanding when it is appropriate to use **Flex Hours Worked**.

Excess Hours	FLSA Non-Exempt	FLSA Exempt, Below Grade 25	FLSA Exempt, Grade 25 & Above	MLS, Directors, Question A Management
Daily Thresholds*	8	8	8	N/A
Weekly Thresholds	40	40**	N/A	N/A
Bi-Weekly Thresholds ***	N/A	80	80	80
Default Form of Payment	Overtime Pay	Compensatory Leave	Compensatory Leave	Unpaid
Rate of Payment	1.5	1.5	1.0	Unpaid

Notes-

* Daily Thresholds are based on scheduled hours, typically 8 hours. For Full time employees, weekly thresholds must be met before weekly or bi-weekly thresholds are triggered. For Part-time employees and some schedules, daily thresholds will trigger excess hours (overtime).

** MCGEO CBA allows for Exempt Employees below Grade 25 to request alterations to workday/work week. These requests are subject to Management approval. These requests are considered “employee directed” rather than “management directed.”

*** Public Safety Employees (FOP, IAFF and SHF) are subject to adjusted bi-weekly FLSA 7(k) thresholds, regardless of FLSA Status or Grade.





When to Use *Flex Hours Worked*

What are some examples of when it is appropriate to use a Flex Hours Worked Pay Code?

- Compressed Schedule Patterns (Daily Thresholds 9-hour days) - alteration of workday
- Part-Time Employees (Daily Thresholds) -- alteration of workday
- FLSA EXEMPT, Below Grade 25 – an employee directed alteration of work week
- Special Public Safety Schedule Patterns (Thresholds determined by configured schedule pattern)

What are some examples of when it is **not** appropriate to use a Flex Hours Worked Pay Code?

- FLSA EXEMPT, Below Grade 25 schedules - **management directed** schedule adjustments
- FLSA EXEMPT, Below Grade 25 schedules – for FT schedule in **both** weeks **(40 hours or more)**
- FLSA EXEMPT, Grade 25 & Above schedules, MLS, Directors and Question A– FT Pay Rules already configured for 80 hours biweekly
- FLSA NON- EXEMPT – a NON- EXEMPT employee **may not alter between work weeks**
- Do **not** use Flex Hours Worked for **more hours than needed**
- **NEVER USE** Flex Hours Worked on the day the employee did not work, or else the employee will be paid double.
- Multilingual Certified Employees – must use Flex Hours Worked w/ MLA or MLB instead.





How to Use *Flex Hours Worked*

Example 1 - Compressed Schedule Patterns (Daily Thresholds 9 hour days) - alteration of work day

Employee requests/management approves alteration of work day 3/10 & 3/11

Only the hours worked are recorded on each day. The Compressed Patterns are configured to treat any deviation from schedule as excess hours. Therefore to accommodate the employee's request to work additional time on Wednesday in exchange for leaving work early on Thursday, one hour is recorded using the *Flex Hours Worked* pay code. Total Hours Towards Schedule is 80, with no excess hours.

Save | Actions | Punch | Amount | Accruals | Comment | Reports

Week starting: Mon 3/09

Pay Code	Mon 3/09	Tue 3/10	Wed 3/11	Thu 3/12	Fri 3/13	Sat 3/14	Sun 3/15	Total
Hours Worked			9.0	8.0				17.0
Hours Worked		9.0			9.0			18.0
Flex Hours Worked			1.0					1.0
		9.0	10.0	8.0	9.0			36.0

Week starting: Mon 3/16

Pay Code	Mon 3/16	Tue 3/17	Wed 3/18	Thu 3/19	Fri 3/20	Sat 3/21	Sun 3/22	Total
Hours Worked	8.0	9.0	9.0	9.0	9.0			44.0
	8.0	9.0	9.0	9.0	9.0			44.0

TOTALS & SCHEDULE | ACCRUALS | AUDITS

All

Pay Code	Amount
Flex Hours Worked	1.0
Regular	79.0
Total Hrs Towards Schedule	80.0

Date	Start Time
Mon 3/09	
Tue 3/10	8:00AM
Wed 3/11	8:00AM
Thu 3/12	8:00AM
Fri 3/13	8:00AM
Sat 3/14	





How to Use *Flex Hours Worked*

Example 2 - Part-Time Employees (Daily Thresholds) - alteration of work day

Employee requests/management approves alteration of work day 3/9 & 3/13

Only the hours worked are recorded on each day. The Part-Time Employees (Daily Thresholds) are configured to treat any additional hours against the Daily Threshold of 8 hours, since Weekly Thresholds may not be met. Therefore to accommodate the employee's request to work additional time on Thursday in exchange for leaving work early on Friday, one hour is recorded using the *Flex Hours Worked* pay code. Total Hours Towards Schedule is 60, with no excess hours.

Save

Actions

Punch

Amount

Accruals

Comment

Reports

Week starting: Sun 2/22

		Pay Code	...	Sun 2/22	Mon 2/23	Tue 2/24	Wed 2/25	Thu 2/26	Fri 2/27	Sat 2/28	Total
X		Hours Worked						8.0	7.0		15.0
X		Hours Worked			7.0	7.0					14.0
X		Flex Hours Worked						1.0			1.0
					7.0	7.0		9.0	7.0		30.0

Week starting: Sun 3/01

		Pay Code	...	Sun 3/01	Mon 3/02	Tue 3/03	Wed 3/04	Thu 3/05	Fri 3/06	Sat 3/07	Total
X		Hours Worked			7.0	7.0		8.0		8.0	30.0
					7.0	7.0		8.0		8.0	30.0

TOTALS & SCHEDULE

ACCRUALS

AUDITS

All

Pay Code	Amount
Total Hrs Towards Schedule	60.0
Flex Hours Worked	1.0
Regular	59.0

Date	Start Time	End Time	Pay Code
Sun 2/22			
Mon 2/23	9:00AM	4:00PM	
Tue 2/24	9:00AM	4:00PM	
Wed 2/25			
Thu 2/26	8:00AM	4:00PM	
Fri 2/27	8:00AM	4:00PM	





How to Use *Flex Hours Worked*

Example 3 - FLSA EXEMPT, Below Grade 25 – an employee directed alteration of work week

Employee works Sunday 3/8 – best practice would always be to alter schedule within same week, but if alteration is between weeks in pay period, the pay code “Flex Hours Worked” is needed. Employee requests/management approves alteration of work day 3/18 in the following week

Only the hours worked are recorded on each day. The Employee’s Weekly Threshold is configured to treat hours >40 as excess. Therefore to accommodate the employee’s request to work additional time on Sunday in the first week in exchange for leaving work early on Wednesday in the second week, five hours are recorded using the *Flex Hours Worked* pay code. Total Hours Towards Schedule is 80, with no excess hours.

Save Actions Punch Amount Accruals Comment Reports									
Week starting: Sun 3/08									
Pay Code	...	Sun 3/08	Mon 3/09	Tue 3/10	Wed 3/11	Thu 3/12	Fri 3/13	Sat 3/14	Total
X Hours Worked			8.0	8.0	8.0	8.0	8.0		40.0
X Flex Hours Worked		5.0							5.0
		5.0	8.0	8.0	8.0	8.0	8.0		45.0
Week starting: Sun 3/15									
Pay Code	...	Sun 3/15	Mon 3/16	Tue 3/17	Wed 3/18	Thu 3/19	Fri 3/20	Sat 3/21	Total
X Hours Worked					3.0				3.0
X Hours Worked			8.0	8.0		8.0	8.0		32.0
			8.0	8.0	3.0	8.0	8.0		35.0
TOTALS & SCHEDULE ACCRUALS AUDITS									
All		Date		Start Time		End Time			
Pay Code		Amount		Date		Start Time		End Time	
Flex Hours Worked		5.0		Sun 3/08					
Regular		75.0		Mon 3/09		8:00AM		4:00PM	
Total Hrs Towards Schedule		80.0		Tue 3/10		8:00AM		4:00PM	
				Wed 3/11		8:00AM		4:00PM	
				Thu 3/12		8:00AM		4:00PM	
				Fri 3/13		8:00AM		4:00PM	
				Sat 3/14					



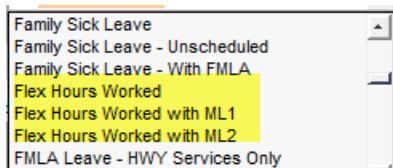


How to Use *Flex Hours Worked*

Example 4 – Employee with Multilingual Certification– any eligible Flex Hours Worked situation

When an employee is Multilingual Certified, the use of Flex Hours Worked may also require review of Multilingual Hours.

There are two pay codes that combine Flex Hours Worked and Multilingual:



Save Actions Punch Amount Accruals Comment Reports										
Week starting: Sun 3/22										
Pay Code	...	Sun 3/22	Mon 3/23	Tue 3/24	Wed 3/25	Thu 3/26	Fri 3/27	Sat 3/28	Total	
Hours Worked					4.0	4.0	4.0		12.0	
Hours Worked			8.0	8.0					16.0	
Annual Leave - With FMLA						4.0			4.0	
Sick Leave - With FMLA					4.0				4.0	
			8.0	8.0	8.0	8.0	4.0		36.0	
Week starting: Sun 3/29										
Pay Code	...	Sun 3/29	Mon 3/30	Tue 3/31	Wed 4/01	Thu 4/02	Fri 4/03	Sat 4/04	Total	
Hours Worked			8.0	8.0	8.0	8.0	8.0		40.0	
Flex Hours Worked with ML1			1.0	1.0	1.0	1.0			4.0	
			9.0	9.0	9.0	9.0	8.0		44.0	

TOTALS & SCHEDULE			ACCRUALS		AUDITS		SIGN-OFFS, REQUESTS & APPROVALS				
All								Date		Start Time	
								Sun 3/22			
								Mon 3/23		8:00AM	
								Tue 3/24		8:00AM	
								Wed 3/25		8:00AM	
								Thu 3/26		8:00AM	
								Fri 3/27		8:00AM	
								Sat 3/28			
								Sun 3/29			
								Mon 3/30		8:00AM	





How to Use *Flex Hours Worked*

Example 5 – (DOCR Only)

DOCR Shift Swaps within the week and excess hours.

When the swap shift is worked with another shift (double shift on the same day) the **Flex Hours Worked** is needed, as swapped shift is a regular day.

- Add Flex Hours Worked to the second shift worked and add a zero to the day not worked on the same row.
 - This will create a blue box, once the day has passed, indicating an excused, scheduled day not worked.
- Add a transfer to the Flex Hours Worked row search and select to apply Reason Code: WORKSWAP.
- Work swap shift is not excess hours, so shift differential may apply, but as regular (SD) not excess (SO).
- No meal break or meal differential for the second shift.

If excess shifts are worked, **Total Hours Towards Schedule** could be more than 80 hours. Review differentials.

Pay Code		Transfer	Sun 9/26	Mon 9/27	Tue 9/28	Wed 9/29	Thu 9/30	Fri 10/01	Sat 10/02	Total
X	Hours Worked					8.5	8.5	8.5	8.5	34.0
X	Flex Hours Worked	WORKSWAP			0.0			8.0		8.0
X	L08 - Paid Meal S08 OT 8p-559a					0.5	0.5	0.5	0.5	2.0
X	SD7 - Shift Diff 12p-759p							8.0		8.0
X	S08 - Shift Diff 8p-559a					8.0	8.0	8.0	8.0	32.0
					0.0	17.0	17.0	33.0	17.0	84.0

Blue box - permissible to use zero on scheduled day

On same Flex line - 8 hours for double shift and zero on scheduled day

no meal break or meal differential for second shift

Entitled to SD appropriate for full swapped shift





How to Use *Flex Hours Worked*

Example 5 – (DOCR Only continued)

- Using the Reason Code: WORKSWAP and expanding to show the Account view will allow you to validate the appropriate differentials.

TOTALS & SCHEDULE				ACCUALS	A	SIGN-OFFS, REQUESTS & APPROVALS			
All	Account	Pay Code	Amount	/	Wages				
	COR 42-2696/COR 42-2196-2701/-/-/7126/-	OTL - DOCR - Overti...	4.5		278.51				
	COR 42-2696/COR 42-2196-2701/-/-/7126/-	LO8 - Paid Meal SO...	4.5		12.62				
	COR 42-2696/COR 42-2196-2701/-/-/7126/-	Flex Hours Worked	8.0		330.08				
	COR 42-2696/COR 42-2196-2701/-/-/7126/-	SD7 - Shift Diff 12p...	8.0		11.36				
	COR 42-2696/COR 42-2196-2701/-/-/7126/-	Regular	72.0		2,970.72				
	COR 42-2696/COR 42-2196-2701/-/-/7126/-	SD8 - Shift Diff 8p-5...	72.0		131.04				
	COR 42-2696/COR 42-2196-2701/-/-/7126/-	Total Hrs Towards ...	80.0		3,300.80				

If the Schedule is adjusted to a non-work day, the Flex Hours Worked code is not needed, however the Reason Code: WORKSWAP should be added. Meal break is permitted.

If any hours are worked on the scheduled day that was supposed to be off, please contact MCtime Team to review.

If Total Hours Towards Schedule is greater than 80 hours, the fix may require Pay Code Moves of “Regular” hours, that can only be performed with MCtime Team access. **Contact the MCtime Team.**

Send Email Questions to MCtime@MontgomeryCountyMD.gov

